

Remarks

This Application has been carefully reviewed in light of the Office Action dated January 26, 2009. Applicant believes all claims are allowable over the cited references without amendment and respectfully provides the following remarks. Applicant respectfully requests reconsideration and allowance of all pending claims.

I. Summary of Examiner Interview

Applicant's attorney, Chad D. Terrell, conducted a telephone interview with Examiner Nguyen and the Examiner Nguyen's supervisor, Ahmad F. Matar, on April 14, 2009. Pursuant to M.P.E.P. ch. 713.04, Applicant submits this summary of the telephone interview to record Applicant's understanding of the substance of the interview. If Applicant's understanding is inaccurate, notice of such is appreciated. Applicant's attorney thanks the Examiner for the courtesy of the interview.

During the interview, the Examiner and Applicant's attorney discussed amendments to Claims 27-40 that were presented in a Response to Final Office Action dated June 2, 2008 ("Response to Final").¹ Specifically, Applicant's attorney noted that in the Office Action the Examiner appears to be treating the proposed amendments to Claims 27-40 as having been entered without formally noting the entering of the proposed amendments. In response, the Examiner directed Applicant's attorney to an Office Action Appendix posted on PAIR at the USPTO website (www.uspto.gov) indicating that the proposed amendments to Claims 27-40 have been entered. As a result of the Examiner's indication that the proposed amendments to Claims 27-40 have been entered, Applicant has presented Claims 27-40 including the proposed amendments; however, Applicant requests that the Examiner include a statement in a subsequent Office Action (or other mailing) indicating that the amendments have been entered.

During the interview, the Examiner and Applicant's attorney also discussed the Examiner's rejections under 35 U.S.C. §103, including distinctions between the independent

¹ In the Advisory Action dated July 7, 2008 (the "Advisory Action"), the Examiner did not enter the proposed claim amendments. Consequently, Claims 27-40 were presented without the proposed amendment in the Appeal Brief dated October 6, 2008 (the "Appeal Brief").

claims and the cited references. Although no agreement was reached, the Examiner agreed to consider Applicant's arguments with respect to the rejections.

II. The Claims are Allowable over the Proposed *Huang-Hickman* Combination

The Examiner rejects Claims 1-8, 10-20, 22-34, and 36-42 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 6,577,726 to Huang, et al. ("*Huang*") in view of U.S. Patent Publication No. 2001/0033564 A1 by Hickman ("*Hickman*"). Applicant respectfully traverses these rejections and discusses independent Claim 1 as an example.

- A. The proposed *Huang-Hickman* combination fails to disclose, teach, or suggest a system operable to "access user input indicating . . . a desire of a user to logon at an endpoint in a private mode according to which the endpoint supports only an extension of the user, wherein the *user can be concurrently logged on at multiple endpoints*"

As allegedly disclosing these limitations of Claim 1, the Examiner cites Figures 1 and 12; column 2, lines 1-2; and column 3, lines 37-38 of *Huang*. *Office Action* at 3. The cited portions of *Huang* disclose "a system and method for [computer telephony integration (CTI)] implemented 'hotelling'" in which a user "logs on, with his own unique ID and Password, to the company's CTI enabled server" *Huang* at 1:37-38; 3:37-38. "Hotelling is the functionality of sharing CTI enabled telesets among multiple users." *Id.* at 1:38-40. As an example of sharing CTI enabled telesets among multiple users, *Huang* discusses a "24/7 customer contact center" in which "[t]he days are partitioned into three eight-hour shifts of three-hundred agents per shift." *Id.* at 3:52-54. "For each shift, agents are assigned to specific workspaces. Thus, three different agents throughout a 24-hour period share each workspace." *Id.* at 3:56-58. During each agents shift, the agent can "log in to the server with their own unique ID and password at their assigned workspace." *Id.* at 3:59-60.

In other words, *Huang* appears to disclose a system in which multiple CTI-enabled telesets may each support one of a number of different users, the supported user being the user that is logged in to the CTI-enabled teleset (i.e., by logging in to the server with a unique ID and password) at a particular time. The Examiner appears to be equating a user logging in to a CTI-enabled teleset (as apparently disclosed in *Huang*) with "access[ing] user input indicating . . . a desire of a user to logon at an endpoint in a private mode according to which

the endpoint supports only an extension of the user,” as recited in Claim 1. Even assuming this apparent equation is appropriate, the cited portions of *Huang* would still fail to disclose, teach, or suggest that “the *user can be concurrently logged on at multiple endpoints*,” as recited in Claim 1. There simply is no mention of this concept in the cited portions of *Huang*.

The cited portions of *Hickman* do not appear to make up for this deficiency of *Huang*, and the Examiner does not make any assertions to the contrary.

- B. The proposed *Huang-Hickman* combination fails to disclose, teach, or suggest a system operable to “access user input indicating . . . a desire of the user to logon at the endpoint in a shared mode according to which *the endpoint concurrently supports an extension of the user and one or more other extensions of one or more other users*”

As allegedly disclosing these limitations of Claim 1, the Examiner cites Figures 1, 11, and 13; column 3, lines 59-60; and column 4, lines 19-22 of *Huang*. *Office Action* at 3. The Examiner then states that “Huang does not specifically disclose the endpoint concurrently support an extensions of the user and one or more other extensions of one or more other users.” *Office Action* at 4. As allegedly disclosing “the endpoint concurrently supports an extension of the user and one or more other extensions of one or more other users,” the Examiner cites paragraphs 18 and 79 of *Hickman*. *Id.*

The Examiner appears to be asserting that *Huang* does disclose “access[ing] user input indicating . . . a desire of the user to logon at the endpoint in a shared mode,” but does not disclose that “the endpoint concurrently supports an extension of the user and one or more other extensions of one or more other users,” relying instead on *Hickman* as disclosing this limitation. It is unclear to Applicant how *Huang* could disclose “access[ing] user input indicating . . . a desire of the user to *logon at the endpoint in a shared mode*” if the endpoint disclosed in *Huang* is not capable of “concurrently support[ing] an extension of the user and one or more other extensions of one or more other users,” as conceded by the Examiner. In other words, if *Huang* does not disclose that an endpoint is capable of concurrently supporting multiple users (i.e., *Huang* does not disclose that an endpoint can support a shared mode), *Huang* is necessarily incapable of disclosing “access[ing] user input indicating . . . a desire of the user to *logon at the endpoint in a shared mode*,” as recited in Claim 1.

Furthermore, the cited portions of *Hickman* do not appear to disclose, teach, or suggest that “the endpoint concurrently supports an extension of the user and one or more other extensions of one or more other users,” as recited in Claim 1. *Hickman* discloses “an Internet Interface Computer coupled to one or more telephone lines . . . [that] provides text-to-speech capabilities which allows text derived from TCP/IP packets that were received via the Internet to be ‘read’ to a telephone user.” *Hickman* at ¶¶14-15. *Hickman* discloses that “a caller’s telephone number is used as an identification of the identity of that caller. This permits the apparatus of the present invention to automatically recognize a user from the ‘caller-ID’ provided by many telephone systems.” *Id.* at ¶18. “If ***multiple users use the same telephone number, extensions can be provided to identify a particular individual.***” *Id.* (emphasis added); see also *Hickman* at ¶79.

The Examiner appears to be equating multiple users sharing a telephone number and being distinguished by extensions (as disclosed in *Hickman*) to an “endpoint [that] concurrently supports an extension of the user and one or more other extensions of one or more other users” (as recited in Claim 1). However, a ***telephone number*** is not necessarily synonymous with an ***endpoint***, as multiple endpoints often share a single telephone number. As just one example, a call center may have a number of different endpoints (e.g., telephones) sharing a common telephone number, and each of the endpoints may be associated with a single user having a unique extension. Thus, multiple users ***sharing a telephone number*** and being distinguished by extensions does not disclose, teach, or suggest an “endpoint [that] concurrently supports an extension of the user and one or more other extensions of one or more other users,” as recited in Claim 1.

- C. The proposed *Huang-Hickman* combination fails to disclose, teach, or suggest a system operable to “if the user input indicates a desire of the user to logon at the endpoint in a shared mode . . . ***configure the endpoint to concurrently support an extension of the user and one or more other extensions of one or more other users***”

As allegedly disclosing these limitations of Claim 1, the Examiner cites Figure 1-11 and 13; column 3, lines 59-60; and column 4, lines 19-22 of *Huang*. *Office Action* at 4. The Examiner then states that “Huang does not specifically disclose the endpoint concurrently support an extensions of the user and one or more other extensions of one or more other

users.” *Office Action* at 4. As allegedly disclosing “the endpoint concurrently supports an extension of the user and one or more other extensions of one or more other users,” as recited in Claim 1, the Examiner cites paragraphs 18 and 79 of *Hickman*. *Id.*

At least because the proposed *Huang-Hickman* combination fails to disclose, teach, or suggest “access[ing] user input indicating . . . a desire of the user to logon at the endpoint in a shared mode according to which ***the endpoint concurrently supports an extension of the user and one or more other extensions of one or more other users***” (for the reasons discussed above), the proposed *Huang-Hickman* combination necessarily fails to disclose, teach, or suggest performing any action in response to “access[ing] user input indicating . . . a desire of the user to logon at the endpoint in a shared mode,” let alone “configure[ing] the endpoint to concurrently support an extension of the user and one or more other extensions of one or more other users,” as recited in Claim 1.

D. The proposed *Huang-Hickman* combination is improper

Applicant submits that the Examiner has not demonstrated a *prima facie* case of obviousness because the Examiner has not provided an adequate reason either in the cited references or in the knowledge generally available to one of ordinary skill in the art at the time of Applicant’s invention to combine or modify the references in the manner proposed by the Examiner. As allegedly providing a reason for the proposed *Huang-Hickman* combination, the Examiner states the following:

[I]t would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use the endpoint concurrently support an extensions of the user and one or more other extensions of one or more other users, as taught by Hickman, into the method of Huang ***in order to enhance the extension mobility***. Since, Huang teaches sharing the endpoint among multiple users extensions, and thus adding the endpoint concurrently support multiple users extensions is to apply a known technique to a known device to yield predictable results (see KSR - MPEP 2143). One having ordinary skill in the art would have been motivated to provide the extension to identify a particular individual when a single telephone concurrently supports multiple users, as per the teachings of Hickman.

Office Action at 4-5 (emphasis added).

“Rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” *KSR Int’l Co. v. Teleflex Inc.*, 550 U.S. 398, 418, 127 S. Ct. 1727, 1741, 82 U.S.P.Q.2d 1385, 1396 (2007) (citing *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006)). The Office Action has simply not presented any “articulated reasoning with some rational underpinning” that it would have been obvious to make the proposed combination.

First, in an apparent attempt to provide “articulated reasoning with some rational underpinning to support the legal conclusion of obviousness,” the Examiner asserts that combining *Hickman* with *Huang* constitutes the application of a known technique to a known device to yield predictable results. *Hickman*, however, fails to disclose, teach, or suggest the “known technique” asserted by the Examiner (i.e., that an endpoint concurrently supports an extensions of the user and one or more other extensions of one or more other users). As discussed above, *Hickman* merely discloses multiple users ***sharing a telephone number*** and being distinguished by extensions, not an endpoint that concurrently supports an extensions of the user and one or more other extensions of one or more other users, as asserted by the Examiner. At least because *Hickman* fails to disclose the supposedly “known technique” asserted by the Examiner as providing a basis for the *Huang-Hickman* combination, the Examiner has not demonstrated that combining *Hickman* with *Huang* constitutes the application of a known technique to a known device to yield predictable results. Therefore, the Examiner has not provided an “articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.”

Second, even ignoring the above-discussed deficiencies of *Hickman*, the Examiner has not provided an explanation as to: (1) why it would have been obvious to one of ordinary skill in the art at the time of Applicant’s invention (***without using Applicant’s claims as a guide***) to modify the particular techniques disclosed in *Huang* with the cited disclosure in *Hickman*; and (2) how one of ordinary skill in the art at the time of Applicant’s invention would have actually done so. The alleged advantage of the proposed *Huang-Hickman* combination asserted by the Examiner (i.e., ***“in order to enhance the extension mobility”***)

appears to come directly from Applicant's specification.² Neither *Huang* nor *Hickman* use the terms "extension mobility" or "enhanced extension mobility." Thus, the Examiner's explanation as to why it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify the particular techniques disclosed in *Huang* with the teachings of *Hickman* appears to constitute the type of impermissible hindsight reconstruction of Applicant's claims, using Applicant's claims as a blueprint, that is specifically prohibited by the M.P.E.P. and governing Federal Circuit cases.

E. Conclusion

For at least these reasons, Applicant respectfully requests reconsideration and allowance of independent Claim 1 and its dependent claims. For at least certain analogous reasons, Applicant respectfully requests reconsideration and allowance of independent Claims 15, 27, and 41 and their dependent claims.

II. The Separately-Rejected Dependant Claims are Allowable

The Examiner rejects Claims 9, 21, and 35 under 35 U.S.C. § 103(a) as being unpatentable over the proposed *Huang-Hickman* combination in view of U.S. Patent 5,933,488 to Marcus et al. ("*Marcus*"). Claims 9, 21, and 35 depend from independent Claims 1, 15, and 27, respectively, which Applicant has shown above to be allowable over the proposed *Huang-Hickman* combination. The Examiner does not allege that *Marcus* makes up for the above-discussed deficiencies of the proposed *Huang-Hickman* combination. Accordingly, dependent Claims 9, 21, and 35 are allowable over the cited references at least because they depend on allowable independent claims. Additionally, dependent Claims 9, 21, and 35 recite further patentable distinctions over the proposed *Huang-Hickman -Marcus* combination. To avoid burdening the record and in view of the clear allowability of independent Claims 1, 15, and 27, Applicant does not discuss these distinctions in this Response. However, Applicant reserves the right to discuss these distinctions in a future Response or on Appeal, if appropriate. Moreover, Applicant does not admit that the proposed combination of references is possible or that the Examiner has provided an

² In fact, Applicant's invention is entitled "Enhanced Extension Mobility"

adequate reason for combining or modifying the references in the manner proposed by the Examiner.

III. No Waiver

All of Applicant's arguments are without prejudice or disclaimer. Additionally, Applicant has merely discussed example distinctions from the references cited by the Examiner. Other distinctions may exist, and Applicant reserves the right to discuss these additional distinctions in a later Response or on Appeal, if appropriate. By not responding to additional statements made by the Examiner, Applicant does not acquiesce to the Examiner's additional statements. The example distinctions discussed by Applicant are sufficient to overcome the Examiner's rejections.

Conclusion

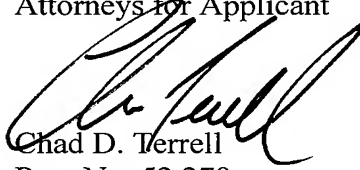
Applicant has made an earnest attempt to place this case in condition for allowance. For at least the foregoing reasons, Applicant respectfully requests full allowance of all pending claims.

If the Examiner believes a telephone conference would advance prosecution of this case in any way, the Examiner is invited to contact Chad D. Terrell, Attorney for Applicant, at the Examiner's convenience at (214) 953-6813.

Although no fees are believed due at this time, the Commissioner is hereby authorized to charge any necessary fees due or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

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